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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

)  
Amendment of Part 90 of the )  
Commission's Rules to Adopt )  
Regulations for Automatic )  
Vehicle Monitoring Systems )

PR Docket No. 93-61  
RM-8013

To: The Commission

ADDITIONAL COMMENTS OF THE  
ASSOCIATION OF AMERICAN RAILROADS

The Association of American Railroads ("AAR") through its undersigned counsel, hereby files additional comments in the above-captioned proceeding in response to the Commission's Public Notice, DA 94-129, released February 9, 1994, in which the Commission solicited additional comments by interested parties concerning the ex parte presentations recently filed by Pactel Teletrac ("Pactel") and Southwestern Bell Mobile Systems, Inc. ("SBMS").

1. The AAR, a voluntary, non-profit organization composed of member railroad companies operating in the United States, Canada and Mexico, has a vital interest in this proceeding. As explained in detail in AAR Comments filed on June 29, 1993, AAR's member railroads have made a very significant investment in identification tags and tag reader technology for purposes of the railroads' Automatic Equipment Identification ("AEI") program. By the time the railroads' AEI program is fully deployed, there will

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be over 1.4 million rail vehicles equipped with AEI tags and 3,000-5,000 tag readers along the thousands of miles of track and in terminals and railyards throughout the United States and Canada.<sup>1/</sup>

2. AAR's concern in this proceeding has been to preserve the amount of spectrum necessary to enable the railroads properly to deploy their AEI technology now and in the future. In this regard, AAR has questioned the justification for the bifurcated band plan originally proposed by the Commission whereby 16 MHz of spectrum would be set aside for two wideband pulse-ranging systems for the provision of Location and Monitoring Service ("LMS"). It was, and continues to be, AAR's view that such systems do not require 8 MHz of spectrum each, and that the allocation as originally proposed would not leave sufficient spectrum available for the growth of narrowband AEI-type systems used by the railroads.<sup>2/</sup>

3. AAR has also expressed the view that the wideband systems such as that proposed by Pactel are actually Personal Communications Service ("PCS") systems in disguise, and that the appropriate spectrum home for such systems is in the 2 GHz band that has recently been reallocated and which will be available for licensing through competitive bidding later this year.<sup>3/</sup>

4. The ex parte presentation of Pactel on which the Commission, in its Public Notice, sought additional comment

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<sup>1/</sup> AAR Comments at 2-4.

<sup>2/</sup> AAR Comments at 6-8.

<sup>3/</sup> AAR Reply Comments filed on July 29, 1993 at 2-3.

confirms AAR's position with respect to not only the question of the amount of bandwidth required by wideband systems, but also the inherently commercial nature of such systems and the propriety of locating them in the portion of the spectrum set aside for PCS. In its January 26 ex parte presentation, Pactel admitted that, instead of 2 wideband systems occupying 16 MHz of spectrum, Pactel would be satisfied with a total of 10 MHz of bandwidth.<sup>4/</sup> Although AAR believes this is a proper step in the right direction, it does not go far enough. As AAR maintained in its original comments in this proceeding, there is evidence to support the ability of a pulse-ranging wideband system to operate effectively in 4 MHz of bandwidth.<sup>5/</sup>

5. Pactel's January 26 ex parte presentation is replete with references to "commercial viability" and the need for authority for "real time voice transmissions." Notwithstanding Pactel's disclaimer that its proposed voice services would not compete with cellular or PCS because the capability would be limited to emergency and safety-related use, the direction in which Pactel is taking its proposed service is clear. In this regard, Pactel's promotional material for its service has revealed the true PCS nature of the system. As AAR described in its Reply Comments, a Pactel marketing brochure stated that the company is "developing a menu of inexpensive and easy-to-use information services consumers can use many times, every-day, by

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4/ Letter from John Lister, President, Pactel Teletrac, to Ralph A. Haler, Chief, Private Radio Bureau, January 26, 1994, at 1.

5/ AAR Comments at 7.

simply interfacing a personal communications device -- an organizer, in-vehicle navigator, cellular phone, notebook or personal digital assistant."<sup>6/</sup> Given the nature of Pactel's proposed system, AAR reiterates its suggestion that a more appropriate spectrum home for the type of system proposed by Pactel would be in the 2 GHz PCS band.

Respectfully submitted,

**THE ASSOCIATION OF AMERICAN RAILROADS**

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<sup>6/</sup> AAR Reply Comments at 3; see Pactel brochure entitled "Personal Information Services" attached as "Attachment 3" to the Comments filed in this proceeding on June 28, 1993 by The Part 15 Coalition.

**CERTIFICATE OF SERVICE**


I, Bridget Y. Monroe, hereby certify that on this 25th day of February, 1994, a copy of the foregoing "Additional Comments of the Association of American Railroads" was served by first class United States mail, postage prepaid on the following parties:

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